

**REPORTS ANALYSIS REFERRAL**

**TO**

**OFFICE OF GENERAL COUNSEL**

**DATE: June 14, 2005**

**ANALYST: Camilla Reminsky**

**I. COMMITTEE:** Lamutt for Congress  
C00386664  
Honorable Robert Bruce Lamutt<sup>1</sup>, Treasurer  
4667 Jefferson Township Place  
Marietta, GA 30066

**II. RELEVANT STATUTE:** 2 U.S.C. §441a-1(b)  
11 CFR §400.9(b)  
11 CFR §400.21(b)

**III. BACKGROUND:**

**Millionaire Provision Reporting Problems (Failure to timely file 24-Hour Notice of Expenditure from Candidate's Personal Funds)**

Lamutt for Congress ("the Committee") failed to timely file one (1) 24-Hour Notice of Expenditure from Candidate's Personal Funds (FEC FORM 10) after Robert Lamutt ("the Candidate") made expenditures from personal funds aggregating in excess of \$10,000 for the 2004 Primary Election (Attachment 2)<sup>2</sup>.

On July 14, 2003, the Committee filed the 2003 July Quarterly Report. The report disclosed the receipt of four (4) loans from the personal funds of the Candidate totaling \$82,000. These loans were received on April 15, 2003 in the amount of \$1,000, May 10, 2003 in the amount of \$8,000, June 6, 2003 in the amount of \$2,000 and June 28, 2003 in the amount of \$71,000 and designated for the 2004 Primary Election (Image 23991348188).

On December 2, 2003, Ellie Heaton, the fundraiser for the Committee called to advise that the Candidate would be loaning \$500K to the campaign and she wanted to review what forms needed to be filed. The RAD Analyst informed Ms. Heaton that every individual contribution given by the candidate to the campaign must be detailed on a FEC Form 10 (Attachment 3).

<sup>1</sup> Mr. Lamutt is the Committee treasurer according to the Statement of Organization filed April 15, 2005. Prior to this date, the Committee treasurer was Carolyn D. Meadows.

<sup>2</sup> The Committee exceeded the \$350,000.00 reporting threshold for expenditures from the candidate's personal funds for the 2004 Primary Election on December 3, 2003 and subsequently filed their initial FEC Form 10 on December 3, 2003 (Image 23038244662).

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On December 3, 2003, the Committee filed an FEC FORM 10 disclosing \$600,000 in expenditures from the Candidate's personal funds for the 2004 Primary Election (Image 23038244662).

On January 30, 2004, the Committee filed the 2003 Year-End Report. The report disclosed the receipt of one (1) loan from the personal funds of the Candidate totaling \$518,000. The loan was received on December 3, 2003 and designated for the 2004 Primary Election. The loan also exceeded the reporting threshold of \$350,000 for House Candidates as stated in the Bipartisan Campaign Reform Act of 2002 (Image 24990345202).

On April 1, 2004, the Committee filed an FEC FORM 10 disclosing \$300,000 in expenditures from the Candidate's personal funds for the 2004 Primary Election (Image 24038501977).

On April 15, 2004, the Committee filed the 2004 April Quarterly Report. The report disclosed the receipt of one (1) loan made or guaranteed by the Candidate totaling \$300,000<sup>1</sup>. The loan was received on March 31, 2004 and designated for the 2004 Primary Election (Image 24991030678).

On July 1, 2004, the Committee filed an FEC FORM 10 disclosing \$300,000 in expenditures from the Candidate's personal funds for the 2004 Primary Election (Image 24038501979).

On July 8, 2004, the Committee filed the 2004 12 Day Pre-Primary Report. The report disclosed the receipt of one (1) loan from the Candidate's personal funds totaling \$300,000. The loan was received on June 30, 2004 and designated for the 2004 Primary Election (Image 24981246181).

On July 22, 2004, the Committee filed an FEC FORM 10 disclosing \$50,000 in expenditures from the Candidate's personal funds for the 2004 Primary Runoff Election (Image 24038501985).

On July 28, 2004, the Committee filed an FEC FORM 10 disclosing \$200,000 in expenditures from the Candidate's personal funds for the 2004 Primary Runoff Election (Image 24038501991).

On July 29, 2004, the Committee filed the 2004 12 Day Pre-Runoff Report. The report disclosed the receipt of one (1) loan from the personal funds of the Candidate totaling \$50,000. The loan was received on July 21, 2004 and designated for the 2004 Primary Runoff Election (Image 24962050934).

On August 4, 2004, the Committee filed an FEC FORM 10 disclosing \$100,000 in expenditures from the Candidate's personal funds for the 2004 Primary Runoff Election (Image 24038501993).

On August 11, 2004, the RAD Analyst spoke with the compliance consultant for the

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<sup>1</sup> An Amended 2004 April Quarterly Report was filed on April 28, 2004 and disclosed the \$300,000 loan from the personal funds of the Candidate (Image 24991190248).

Committee, Ted Koch, in regards to the Committee's obligation to file Form 10's after the Candidate lost the Primary Runoff Election. The Analyst recommended that the Committee file a FEC FORM 10, as the regulations are unclear. Mr. Koch told the Analyst that he did not wish to send unnecessary reports and asked that the Analyst research the matter further. Upon consultation with management, the Analyst informed Mr. Koch that it would be best to file the Form 10 and also request an Advisory Opinion to clarify the regulations. (Attachments 4 and 5)

On October 15, 2004, the Committee filed the 2004 October Quarterly Report. The report disclosed the receipt of three (3) loans from the personal funds of the Candidate totaling \$365,000. These loans were received on July 27, 2004 in the amount of \$200,000, August 3, 2004 in the amount of \$100,000 and August 12, 2004 in the amount of \$65,000 and designated for the 2004 Primary Runoff Election (Image 24962526056).

On March 3, 2005, a Request for Additional Information ("RFAI") referencing the 2004 October Quarterly Report was sent by RAD to the Committee. The RFAI noted the failure of the Committee to file the FEC FORM 10 for additional expenditures from the Candidate's personal funds aggregating in excess of \$10,000 and requested that the Committee either clarify the incorrect disclosure of the Candidate's expenditures or immediately file the FEC FORM 10 (Image 25038744797).

On March 7, 2005, Ted Koch, compliance consultant for the Committee, called to inquire why the committee was being cited for not filing a Form 10 after the Primary Runoff Election held on August 10, 2004. The RAD analyst advised him that if the Candidate loan was used towards the Primary Election, then the Committee was supposed to file a Form 10, regardless of the fact that the money was loaned to the Committee after the applicable election (Attachment 6).

On March 22, 2005, the Analyst again spoke with Ted Koch, about how to properly respond to the RFAI sent by RAD. He referenced the conversation that he had with the Analyst on August 11, 2004, in which he asserted that the Analyst told him that the Committee was not required to file the FEC FORM 10, as the Candidate had lost the Primary Runoff Election and was no longer a candidate. The Analyst informed Mr. Koch she did not recall providing that advice and she stated that she would call him back after discussing the matter with management (Attachment 7).

On March 23, 2005, the Analyst called the compliance consultant for the Committee, Ted Koch. The Analyst advised Mr. Koch to file the FEC FORM 10 and attach an explanation as to why the form had not been previously filed (Attachment 8).

On March 29, 2005, the Committee filed an FEC FORM 10 disclosing \$65,000 in expenditures from the Candidate's personal funds for the 2004 Primary Runoff Election. The cover sheet to the faxed FEC FORM 10 explained that the Committee did not previously file the FEC FORM 10 because of their representative's conversation with RAD, and that they were filing the form now because of the reversal of that advice (Image 25038763608).

To date, no further communication has been received from the Committee regarding this matter.

LANUTT, ROBERT BRUCE

ID #H46A06079

LANUTT FOR CONGRESS

CAROLYN D READONS

FILING FREQUENCY: QUARTERLY

4867 JEFFERSON TOWNSHIP PLACE

MARIETTA

HOUSE

GA 30066

ID #C00388664

FORM TYPE	RPT TYPE	AJ	PGI	REC DATE	PGS	BEG IMAGE	COVERAGE DATES	BEG CASH	RECEIPTS	DISBURSE	END CASH	DEBTS BY
1			N	4/26/2003	5	23038063433						
HS			X	12/03/2003	4	23038244662						
HS			T	2/23/2004	5	24038323594						
HS			T	3/17/2004	1	24980767802						
HS			X	4/01/2004	2	24038501977						
HS			X	7/01/2004	2	24038501979						
HS			4	7/15/2004	2	24981819402						
HS			4	7/19/2004	2	24981884624						
HS			X	7/22/2004	2	24038501985						
HS			4	7/24/2004	2	24982004379						
HS			4	7/27/2004	2	24982048151						
HS			4	7/28/2004	2	24982049033						
HS			X	7/28/2004	2	24038501991						
HS			4	7/29/2004	2	24982060971						
HS			4	7/30/2004	2	24982063022						
HS			4	8/02/2004	2	24982068068						
HS			4	8/04/2004	2	24982065953						
HS			X	8/04/2004	2	24038501993						
HS			4	8/08/2004	3	24982073539						
HS			4	8/07/2004	2	24982074164						
HS			4	8/08/2004	2	24982074178						
HS			X	3/29/2005	3	25038763608						
R2	Q2	2		4/20/2004	3	24038390704	4/01/2003 6/30/2003					
R2	Q3	2		12/08/2003	3	23038250779	7/01/2003 9/30/2003					
R2	YE	2		2/17/2004	5	24038321448	10/01/2003 12/31/2003					
R2	YE	2		4/13/2004	3	24038381356	10/01/2003 12/31/2003					
R2	Q3	4		3/03/2005	3	25038744787	7/22/2004 9/30/2004					
3	Q2	N		7/14/2003	22	23981348188	4/01/2003 6/30/2003	0	95796	19847	75948	82000
3	Q2	A	6	1/12/2004	25	24980062131	4/01/2003 6/30/2003	0	95898	20108	75789	82000

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LAHUTT, ROBERT BRUCE

ID #H4GA08079

LAHUTT FOR CONGRESS  
CAROLYN D HEADONS

4667 JEFFERSON TOWNSHIP PLACE

MARIETTA

HOUSE  
GA 30066

ID #C00388684

FILING FREQUENCY: QUARTERLY

FORM TYPE	RPT TYPE	AI	PGI	REC DATE	PGS	BEG IMAGE	COVERAGE DATES	BEG CASH	RECEIPTS	DISBURSE	END CASH	DEBTS BY
3	Q2	A	P	3/29/2004	23	24980894378	4/01/2003 6/30/2003	0	95898	19847	78048	82000
3	Q2	A	P	4/28/2004	23	24981190080	4/01/2003 6/30/2003	0	95898	19847	78048	82000
3	Q3	N	P	10/15/2003	41	23982075002	7/01/2003 9/30/2003	75848	21385	61583	35739	82000
3	Q3	A	P	1/08/2004	41	24980038185	7/01/2003 9/30/2003	75789	21385	63083	34110	82000
3	Q3	A	P	3/29/2004	41	24980894401	7/01/2003 9/30/2003	78048	21385	61862	35570	82000
3	YE	N	G	1/30/2004	61	24980345202	10/01/2003 12/31/2003	34110	556788	87542	503334	600000
3	YE	A		3/17/2004	6	24038341791	10/01/2003 12/31/2003	-	-	-	-	-
3	YE	A	P	3/29/2004	67	24980894442	10/01/2003 12/31/2003	35570	557316	110042	482844	600000
3	YE	A	P	4/28/2004	67	24981190085	10/01/2003 12/31/2003	35570	557316	110042	482844	600000
3	Q1	N	P	4/16/2004	86	24981030678	1/01/2004 3/31/2004	482844	338133	161325	659652	900000
3	Q1	A	P	4/28/2004	86	24981190248	1/01/2004 3/31/2004	482844	338133	161325	659652	900000
3	12P	N	P	7/08/2004	83	24981248181	4/01/2004 6/30/2004	658652	359035	582488	456218	1200000
3	12R	N	R	7/29/2004	35	24982050834	7/01/2004 7/21/2004	456218	63157	453484	65811	1289223
3	Q3	N	P	10/15/2004	91	24982528056	7/22/2004 9/30/2004	66911	477959	538518	5352	541379
3	YE	N	G	1/28/2005	20	25870048363	10/01/2004 12/31/2004	6352	11623	18947	28	529587
TOTAL									1824504	1824474		

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**Lamatt for Congress (C00396664)  
Candidate Expenditures from Personal Funds for 2004 Primary and Primary-Runoff Election**

Expenditure Account	Type of Expenditure	Report Date	Report Period	Expenditure Amount	Primary Election	Primary-Runoff Election	Ballot Date	Number of Copies
\$1,000.00	Loan	4/15/03	Q2 2003	\$ 1,000.00	N/A	N/A	N/A	N/A
\$8,000.00	Loan	5/10/03	Q2 2003	\$ 9,000.00	N/A	N/A	N/A	N/A
\$2,000.00	Loan	6/6/03	Q2 2003	\$ 11,000.00	N/A	N/A	N/A	N/A
\$71,000.00	Loan	6/28/03	Q2 2003	\$ 82,000.00	N/A	N/A	N/A	N/A
\$518,000.00	Loan	12/3/03	YE 2003	\$ 600,000.00	Y	Y	12/3/03	0
\$300,000.00	Loan	3/31/04	Q1 2004	\$ 900,000.00	Y	Y	4/1/04	0
\$300,000.00	Loan	6/30/04	12P 2004	\$ 1,200,000.00	Y	Y	7/1/04	0
\$50,000.00	Loan	7/21/04	12R 2004	\$ 1,250,000.00	Y	Y	7/22/04	0
\$200,000.00	Loan	7/27/04	Q3 2004	\$ 1,450,000.00	Y	Y	7/28/04	0
\$100,000.00	Loan	8/3/04	Q3 2004	\$ 1,550,000.00	Y	Y	8/4/04	0
\$85,000.00	Loan	8/12/04	Q3 2004	\$ 1,615,000.00	Y	Y	3/28/05	228